



1921

# Editorials

Kentucky Law Journal

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# Kentucky Law Journal

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G. W. GOBLE	Faculty Adviser

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## EDITORIAL NOTES

### EDWARD D. WHITE

The nation lost a distinguished jurist in the death of Edward D. White, May 18, 1921. During his judicial career of twenty-seven years he rendered many important constitutional decisions which entitle him to a place in history beside Marshall, Story, Taney and others of his pre-eminent predecessors.

The Chief Justice was a native of Louisiana, served in the Confederate Army, was for three years a United States Senator, was appointed to the Supreme Bench as Associate Justice by President Cleveland in 1894 and although a Democrat in politics was promoted to the Chief Justiceship by President Taft in 1910.

There may be a few judges and lawyers who dissent from some of his legal opinions but all will agree that he has lived up to the highest ideals and traditions of his profession and has forcefully and ably served his country in its highest judicial office.

## **HARDING, DAVIS AND ROOT WILL BE AT MEETING OF AMERICAN BAR ASSOCIATION.**

Prospects are bright that President Warren G. Harding will spend at least a day at the American Bar Association Convention to be held in Cincinnati, August 30-31, September 1-2.

Within the last few days Mayor John Galvin of Cincinnati, who was largely instrumental in bringing this convention to the Queen City, had a conference in Washington with President Harding. During their conversation Mayor Galvin suggested to Mr. Harding that the members of the association as well as the citizens of Cincinnati would greatly appreciate a visit from the President on this occasion. Without hesitation Mr. Harding assured Mayor Galvin that he would be delighted to attend the meeting and would arrange his affairs accordingly with no possible interference unless Congress be in session at that time.

It is already assured that former Ambassador to England, John W. Davis, and Honorable Elihu Root will be among the prominent speakers at the convention.

## **LAW STUDENTS ON AND ABOUT THE CAMPUS OBSERVED BY AN INTERESTED BYSTANDER.**

Lawyers prominent in senior activities are Merwin K. Eblin, President of the Senior Class; Miss Roberta Thornton, Class Prophet; and Dillard Turner, Class Orator.

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James Parke, '20, of the law firm of Stewart & Parke of Lexington, is Republican candidate from Madison County for the Legislature.

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T. P. Oliver is a member of the Legislature from Garrard County.

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Forrest Bell of Ohio County, Robert Tomlinson of Garrard County, and Emery Frazier of Anderson County, are student candidates for the Legislature.

William Benton, a West Point graduate, and Robert Hayes, who holds a degree of A. B. from Yale, receive LL. B. degrees from University of Kentucky this year.

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Paul Cooper, pitcher of the University of Kentucky baseball nine, and Berl Boyd, of the track team, hold up the honor of the Law School in athletics.

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Leonard Fielder, William Chism, and Raymond Johnson made up the debating team that took the decision from University of Cincinnati on the subject, "Resolved: That Congress should limit immigration each year to ten per cent of the annual average from each ethnic group entering between January 1, 1907, and January 1, 1914."

These three orators with J. L. Hayes and James B. Watkins are pledged by T. K. A., national honorary debating fraternity.

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Patrick Henry Vincent represented University of Kentucky at the State Oratorical Contest at Berea, Kentucky, and at the Southern Oratorical Contest at Chapel Hill, N. C.

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Miss Rebecca Paritz, '20, who has been for the past year librarian in the Cincinnati Law Library, will take the Bar Examination in Ohio this spring.

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Of the thirteen students of the University having a standing of all A's for the first semester, four are from the law school. They are William Chism, Freshman; Raymond T. Johnson, Sophomore; Brady M. Stewart, Junior; and Dillard Turner, Senior. The law school has an honor student in each class.

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Neal Sullivan will receive a degree of Master of Laws this spring. Mr. Sullivan has been a popular leader in many campus activities, a prominent member of the Glee Club, and sang the role of *Sheriff of Nottingham* in the University production of "Robin Hood."

The staff of the Law Journal for next year is considerably increased. Professor George W. Goble, who has so ably directed the Journal for the past year, will continue as faculty adviser. Berl Boyd, Editor-in-Chief, will be assisted by H. W. Sullivan, Business Manager, and J. C. Farmer, Assistant Business Manager. The editorial department will consist of R. T. Johnson, Chairman, and J. B. Watkins and L. C. Fielder. The Case Comment Department under the leadership of William Chism, Chairman, will be in charge of Brady Stewart, Camille Davied, Guy Ledwidge, N. B. Rogers, Mrs. J. L. Williams, Patrick Vincent, R. H. Lee, W. H. Smith, Paul Cooper, Carl Lipe, J. L. Hayes, P. T. Oliver, Paul Ashby, and W. K. Berryman.

Two new departments, the Current Literature Department, which will discuss legal essays, and the News Department are added. J. L. Williams is Chairman of the first. Camille Davied, Chairman, Chloe Gifford, Miss Lula Northcutt and Roberta Thornton make up the personelle of the latter.

### RECENT CASES.

*Descent and Distribution—Right of Widow in Royalties from Lands Leased Before Death of Husband.*

Silas McIntosh died, leaving surviving him a wife and three infant children by a former wife. Property in question was lease for the purpose of drilling oil wells, there being producing wells on two of the tracts at the time of the death of the decedent. Since dower had not been assigned the question arose as to the extent of the widow's right of dower in the royalties accruing from such lands.

The court held (1) If oil wells or mines are opened by one on his own land during his lifetime or are opened by his lessee after his death under a lease given by him, the royalties contracted for by him are profits arising from the use of the land and are a part of the dowable real estate of the deceased husband within the meaning of Sec. 2138, Ky. Stats., giving to the widow one-third of the rents and profits of the husband's dowable real estate until dower is assigned.